

Paul L. Hickman (State Bar No. 113715)  
*phickman@tipsgroup.com*  
 William C. Milks, III (State Bar No. 114083)  
*bmilks@tipsgroup.com*  
 TECHNOLOGY & INTELLECTUAL PROPERTY  
 STRATEGIES GROUP PC  
 960 San Antonio Road, Ste. 200  
 Palo Alto, CA 94303  
 Telephone: 650-293-3350  
 Fax: 800-822-7095

Attorneys for Plaintiff/Counterclaim Defendant  
 YUME, INC.

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION**

YUME, INC., a Delaware Corporation,  
 Plaintiff,

vs.

XAXIS, INC. F/K/A 24/7 MEDIA, INC., a  
 Delaware Corporation,  
 Defendant.

**Case No. 3:13-CV-05249-VC**

XAXIS, INC., a Delaware Corporation,  
 Counterclaimant,

vs.

YUME, INC., a Delaware Corporation,  
 Counterclaim Defendant.

**STIPULATION AND ~~PROPOSED~~ ORDER  
 GRANTING PLAINTIFF LEAVE TO FILE  
 A FIRST AMENDED COMPLAINT**

**[Fed. R. Civ. P. Rule 15(a)(2)]**

Plaintiff and Counterclaim Defendant YUME, INC. and Defendant and Counterclaimant XAXIS, INC. hereby stipulate to the filing of a First Amended Complaint attached to this Stipulation as Attachment A. This First Amended Complaint updates the name of Defendant to XAXIS, INC. and alleges additional specificity with respect to Plaintiff's patent unenforceability claims against Defendant in view of the parties' Joint Case Management Statement (Doc. 17).

Fed. R. Civ. P. Rule 15(a)(2) allows a party to amend its pleadings with the opposing party's written consent. By signing this stipulation, counsel for each party listed below concur in the filing of Plaintiff's First Amended Complaint. The Parties further stipulate that Defendant and Counterclaimant XAXIS, INC. shall file its Answer, Affirmative Defenses and Counterclaim in response to Plaintiff's First Amended Complaint within seven (7) days of the Court's grant of Plaintiff's Leave to File a First Amended Complaint, and that Defendant's Answer, Affirmative Defenses and Counterclaim may include certain assertions of induced infringement and contributory infringement of the patent-in-suit. The Parties submit that this stipulation will not delay the case.

This stipulation is being filed through the Electronic Case Filing (ECF) system by attorney Paul L. Hickman of Technology & Intellectual Property Strategies Group PC, attorneys for Plaintiff. By his signature, he attests that Plaintiff has obtained concurrence in the filing of this document from each counsel signing the stipulation, pursuant to Civil L.R. 5-1(i)(3). A copy of the signed signature page has been scanned and is attached hereto.

Dated: \_\_\_\_\_

\_\_\_\_\_  
PAUL L. HICKMAN  
Technology & Intellectual Property  
Strategies Group PC  
*Attorneys for YUME, INC.*

Dated: \_\_\_\_\_

\_\_\_\_\_  
JONATHON T. REAVILL (*Pro Hac Vice*)  
NIXON & VANDERHYE, P.C.  
*Attorneys for XAXIS, INC.*

**IT IS SO ORDERED**

Dated: \_\_\_\_\_

\_\_\_\_\_  
VINCE CHHABRIA  
United States District Judge

1 Fed. R. Civ. P. Rule 15(a)(2) allows a party to amend its pleadings with the opposing  
 2 party's written consent. By signing this stipulation, counsel for each party listed below concur in  
 3 the filing of Plaintiff's First Amended Complaint. The Parties further stipulate that Defendant and  
 4 Counterclaimant XAXIS, INC. shall file its Answer, Affirmative Defenses and Counterclaim in  
 5 response to Plaintiff's First Amended Complaint within seven (7) days of the Court's grant of  
 6 Plaintiff's Leave to File a First Amended Complaint, and that Defendant's Answer, Affirmative  
 7 Defenses and Counterclaim may include certain assertions of induced infringement and  
 8 contributory infringement of the patent-in-suit. The Parties submit that this stipulation will not  
 9 delay the case.

10 This stipulation is being filed through the Electronic Case Filing (ECF) system by attorney  
 11 Paul L. Hickman of Technology & Intellectual Property Strategies Group PC, attorneys for  
 12 Plaintiff. By his signature, he attests that Plaintiff has obtained concurrence in the filing of this  
 13 document from each counsel signing the stipulation, pursuant to Civil L.R. 5-1(i)(3). A copy of  
 14 the signed signature page has been scanned and is attached hereto.

15  
 16 Dated: July 21, 2014



PAUL L. HICKMAN  
 Technology & Intellectual Property  
 Strategies Group PC  
 Attorneys for YUME, INC.

17  
 18  
 19  
 20 Dated: July 21, 2014



JONATHON T. REAVILLE (Pro Hac Vice)  
 NIXON & VANDERHYE, P.C.  
 Attorneys for XAXIS, INC.

21  
 22  
 23  
 24 **IT IS SO ORDERED**

25  
 26  
 27 Dated: July 23, 2014



VINCE CHHABRIA  
 United States District Judge